

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 97-3310

Alphonse H. Boge, Jr.,

Plaintiff - Appellant,

v.

Kenneth S. Apfel, Commissioner of
Social Security,¹

Defendant - Appellee.

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* Appeal from the United States

* District Court for the

* Northern District of Iowa.

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* (UNPUBLISHED)

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Submitted: April 14, 1998

Filed: April 27, 1998

Before FAGG, BEAM, and HANSEN, Circuit Judges.

PER CURIAM.

After the Commissioner granted Alphonse H. Boge, Jr.'s applications for disability insurance benefits (DIB) and supplemental security income, Boge appealed to the district court.² He challenged his disability onset date, the constitutionality of the

¹Kenneth S. Apfel has been appointed to serve as Commissioner of Social Security, and is substituted as appellee pursuant to Federal Rule of Appellate Procedure 43(c).

²The Honorable Michael J. Melloy, Chief Judge, United States District Court for the Northern District of Iowa.

twelve-month limit on retroactive DIB payments, and the administrative law judge's refusal to allow Boge to call certain witnesses at his disability hearing. The district court agreed that Boge was disabled at an earlier date than that found by the Commissioner, but rejected Boge's other arguments as meritless; Boge appeals. After careful review of the record and the parties' submissions, we affirm the judgment of the district court. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.